

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
)	
Plaintiff,)	
v.)	
)	
YELLOW TRANSPORTATION, INC.)	
)	
and)	
)	
YRC, INC.,)	
Defendants.)	JURY TRIAL DEMAND
)	

COMPLAINT

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of race and to provide appropriate relief to a class of Black employees who were adversely affected by such practices.

JURISDICTION AND VENUE

1. This action is brought by the United States Equal Employment Opportunity Commission to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.
2. This action is authorized and instituted pursuant to § 706(f)(1) and § 706(f)(3) of Title VII, as amended, 42 U.S.C. §2000e-5(f)(1) and §2000e-5(f)(3), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.
3. This court has jurisdiction of this action pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345.
4. The unlawful acts alleged below were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern

Division.

PARTIES

5. Plaintiff, Equal Employment Opportunity Commission (“EEOC” or the “Commission”), is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by § 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

6. From at least January 1, 2004 to October 2008, Defendant Yellow Transportation, Inc., (“Yellow”) has continuously been a corporation doing business in the State of Illinois, County of Cook, and the Village of Chicago Ridge, Illinois.

7. From at least January 1, 2004 to October 2008, Defendant Yellow has continuously had at least fifteen (15) employees.

8. Since at least January 1, 2004, Defendant Yellow has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

9. Since at least October 2008, Defendant YRC has continuously been a corporation doing business in the State of Illinois, County of Cook, and the Village of Chicago Ridge, Illinois.

10. Since at least October 2008, Defendant YRC has continuously had at least fifteen (15) employees.

11. Since at least October 2008, Defendant YRC has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

12. More than thirty (30) days prior to the institution of this lawsuit, Jamison Dixon, Jeffery Burks, Charles Brown, Antonio Colon, Darrell Williams, Michael Woods, Clark Faulkner, Leonard Gregory, James Demoss, Laroy Washington, Ken George, Marshun Hill, Charles Woods, and Mack Leonard filed charges of discrimination with the Commission alleging violations of Title VII by Defendant Yellow Transportation, Inc.

13. All conditions precedent to the institution of this lawsuit have been fulfilled.

14. From at least 2004, to October 2008, Defendant Yellow engaged in unlawful employment practices in violation of §703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Such unlawful employment practices include subjecting Jamison Dixon, Jeffery Burks, Charles Brown, Antonio Colon, Darrell Williams, Michael Woods, Clark Faulkner, Leonard Gregory, James Demoss, Laroy Washington, Ken George, Marshun Hill, Charles Woods, and Mack Leonard and a class of Black employees to harassment and different terms and conditions because of their race. Such practices include, but are not limited to:

- a. Subjecting Black employees to a work environment with hangman's nooses, racially derogatory comments, racial epithets, and racist graffiti;
- b. Assigning Black employees to more difficult and time-consuming work assignments;
- c. Subjecting Black employees to more frequent and greater discipline;
- d. Subjecting Black employee to greater scrutiny and more restrictive work rules; and
- e. Assigning Black employees to lower paying or less favorable job assignments.

15. The result of the practices complained of in paragraph 14 has been to deprive Jamison Dixon, Jeffery Burks, Charles Brown, Antonio Colon, Darrell Williams, Michael Woods, Clark Faulkner, Leonard Gregory, James Demoss, Laroy Washington, Ken George, Marshun Hill, Charles Woods, and Mack Leonard and a class of Black employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

16. The unlawful employment practices complained of above were intentional.

17. The unlawful practices complained of above were done with malice or with reckless indifference to the federally protected rights of Jamison Dixon, Jeffery Burks, Charles Brown, Antonio Colon, Darrell Williams, Michael Woods, Clark Faulkner, Leonard Gregory, James Demoss, Laroy Washington, Ken George, Marshun Hill, Charles Woods, and Mack Leonard and a class of Black employees.

18. Effective no later than October 2008, Yellow was entirely merged into YRC, Inc.

19. Effective no later than October 2008, YRC succeeded Yellow in operating the Chicago Ridge facility previously owned and operated by Yellow.

20. From at least October 2008, Defendant YRC has engaged in unlawful employment practices in violation of §703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Such unlawful employment practices include subjecting a class of Black employees to harassment and different terms and conditions because of their race. Such practices include, but are not limited to:

- a. Subjecting Black employees to a work environment with hangman's nooses, racially derogatory comments, racial epithets, and racist graffiti;
- b. Assigning Black employees to more difficult and time-consuming work assignments;
- c. Subjecting Black employees to more frequent and greater discipline;
- d. Subjecting Black employee to greater scrutiny and more restrictive work rules; and
- e. Assigning Black employees to lower paying or less favorable job assignments.

21. The result of the practices complained of in paragraph 20 has been to deprive a class of Black employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

22. The unlawful employment practices complained of above were intentional.

23. The unlawful practices complained of above were done with malice or with reckless indifference to the federally protected rights of a class of Black employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission requests that this Court:

A. Grant a permanent injunction enjoining Defendants, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of race;

B. Order Defendants to institute and carry out policies, practices and programs which provide equal employment opportunities for its employees regardless of race, and which eradicate the effects of its unlawful employment practices;

C. Order Defendants to make whole Jamison Dixon, Jeffery Burks, Charles Brown, Antonio Colon, Darrell Williams, Michael Woods, Clark Faulkner, Leonard Gregory, James Demoss, Laroy Washington, Ken George, Marshun Hill, Charles Woods, Mack Leonard, and a class of Black employees by providing compensation for past and future pecuniary losses resulting from its unlawful employment practices, including medical expenses, in amounts to be determined at trial;

D. Order Defendants to make whole Jamison Dixon, Jeffery Burks, Charles Brown, Antonio Colon, Darrell Williams, Michael Woods, Clark Faulkner, Leonard Gregory, James Demoss, Laroy Washington, Ken George, Marshun Hill, Charles Woods, Mack Leonard, and a class of Black employees by providing compensation for past and future non-pecuniary losses resulting from its unlawful employment practices, including emotional pain, suffering, loss of enjoyment of life, humiliation, and inconvenience, in amounts to be determined at trial;

E. Order Defendants to pay Jamison Dixon, Jeffery Burks, Charles Brown, Antonio Colon, Darrell Williams, Michael Woods, Clark Faulkner, Leonard Gregory, James Demoss, Laroy Washington, Ken George, Marshun Hill, Charles Woods, Mack Leonard, and a class of Black employees punitive damages for its malicious and reckless conduct in amounts to be determined at trial.

F. Prohibit Defendants from discriminating against any individual for engaging in protected activity under Title VII of the Civil Rights Act of 1964, or for opposing practices made unlawful by Title VII, or for participating in this lawsuit;

G. Grant such further relief as this Court deems necessary and proper in the public interest; and

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

James Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

Equal Employment Opportunity Commission
1801 "L" Street, N.W.
Washington, D.C. 20507

s/ John C. Hendrickson
John C. Hendrickson
Regional Attorney

s/ Gregory Gochanour
Gregory Gochanour
Supervisory Trial Attorney

s/ Ethan M. M. Cohen
Ethan M. M. Cohen
Trial Attorney

Ethan M. M. Cohen
Trial Attorney
A.R.D.C. #6206781
United States Equal Employment
Opportunity Commission
500 W. Madison, Room 2000
Chicago, IL 60661
(312) 353-7568
ethan.cohen@eeoc.gov